

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 10, 2010
POSITION: Oppose
SPONSOR: Association of Bay Area Governments

BILL NUMBER: SB 1205
AUTHOR: E. Corbett

BILL SUMMARY: The Bay Area Post-Recovery Authority Act

Current law establishes the Association of Bay Area Governments (ABAG) as the comprehensive planning agency for the San Francisco Bay region. ABAG's mission is to strengthen cooperation and coordination among local governments and to address social, environmental, and economic issues that transcend local borders.

The Bay Area is defined as the nine counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. The 101 cities and all nine counties within the Bay Area are voluntary members of ABAG, representing nearly all of the region's population.

This bill would establish the Bay Area Disaster Recovery Planning Council (Council) and would require the Council to create and maintain a long term regional disaster recovery plan for the Bay Area. The Council's jurisdiction would be congruent to that of ABAG, and it would be governed by a board of directors appointed by ABAG, consisting of:

- All members of the ABAG Planning Committee (ex-officio).
- At least four members representing lifeline infrastructure districts such as water and wastewater, power and energy, telecommunications, and transit.
- A member representing a school district or county board of education.
- A member representing a nonprofit service delivery agency.
- A member of the Bay Area Urban Area Security Initiative.
- At least four members representing private sector business, economics, and planning organizations.
- A county or city emergency manager.

This bill would authorize the Council to engage counsel, enter into contracts and joint powers agreements, but would not permit the Council to have employees or acquire property. The duties of the Council would be performed by interim or temporary employees furnished by ABAG. The Council is to be funded by federal, state and private sector grants and private donations, and would be prohibited from levying fees, taxes or assessments.

This bill would sunset January 1, 2030.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the April 13, 2010 version provide for a planning Council, rather than a recovery authority, but do not alter our position.

FISCAL SUMMARY

Analyst/Principal (0762) C. Hill	Date	Program Budget Manager Mark Hill	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

E. Corbett

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Should the grants and donations contemplated by this bill be insufficient to enable the Council to perform its functions, a claim of mandate might arise, which, if sustained by the Commission on State Mandates (COSM), could have a significant, though presently unquantifiable state General Fund impact.

The potential mandate would be created by the requirement that ABAG furnish employees to perform work for the Council.

COMMENTS

Finance opposes this bill for the following reasons:

- This bill could result in a claim of mandate which, if sustained by COSM, could have a presently unquantifiable, state General Fund impact.

The bill contains language stating that no reimbursement is necessary because this legislation is enacted at the request of the local agency, but the ABAG Board has so far failed to mitigate mandate concerns by enacting a resolution requesting this legislation.

- This legislation is unnecessary. ABAG and its members have sufficient authority to establish the Council as a joint powers authority.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	Code
0001/Major Rev	SO	No	-----	See Fiscal Summary				-----	0001